

10.(canceled) The apparatus as described in claim 9 wherein a key is required to disconnect the arm from the surface within the retail store.

11. (canceled) The apparatus as described in claim 9 wherein the musical instrument is a cymbal.

12. (original) The apparatus as described in claim 9 wherein the arm is articulated.

REMARKS

The Examiner's Office Action of December 31, 2003 has been carefully reviewed. The Examiner first objected to the drawings under 37 C.F.R. 1.83(a) as not illustrating every feature specified in the claims. In response, Applicant has amended claim 1 to more clearly recite that the claimed apparatus is merely intended for use with a cymbal. The claim has been amended to remove any positive recitation of "the music cymbal."

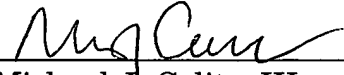
Next, the Examiner rejected claims 1, 2-8 and under "35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Specifically, the Examiner contends that it is unclear whether Applicant intends to positively claim "the music cymbal" in claim 1 and "the wall" in claim 2. As noted above, Applicant has amended claim 1 to indicate that the apparatus is merely intended

for use with a musical cymbal. Applicant has also amended claim 2 to positively claim "a wall for supporting the apparatus." These amendments are believed to overcome the Examiner's rejections based on 35 U.S.C. 112.

The Examiner also rejected claims 2 and 6-8 under 35 U.S.C 103(a) as being unpatentable over Stone in view of Hutchison and Carlino. Claims 3 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stone in view of Hutchison and Carlino. Despite these rejections, the Examiner indicated that claim 1 was allowable and noted, "none of the prior art of record teaches or suggests a display cymbal apparatus having a display assembly of a base portion interconnected with a panel and adapted to receive a product literature and interconnected to the upper felt."

In response, Applicant has amended all remaining claims to recite a display assembly with a base portion interconnected to an upper felt and a panel adapted to receive product literature. Accordingly, all pending claims are believed to be allowable over the art of record. The references cited by the Examiner (Stone, Hutchison, Carlino, Hoshino and Diaz) all fail to teach or suggest a display with a panel for receiving product literature, nor do these references disclose such a display secured to the upper felt of a musical instrument display. Accordingly, any possible combination of these references would still be absent the claimed inventive feature.

All grounds for objection and rejection are deemed overcome by way of the arguments and claim amendments made hereinabove. Thus, the Examiner is respectfully urged to withdraw his rejections and issue a Notice of Allowance.

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via First Class Mail, postage prepaid to: U.S. Patent and Trademark Office, 2011 South Clark Place, Customer Window, Mail Stop AF, Crystal Plaza Two, Lobby, Room 1B03, Arlington, V.A. 22202 on this the 27th day of February, 2004.


Michael J. Colitz, III

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